

1 Article 7. -Admissions.

2 Rule ~~414-701~~. Definitions.

3 ~~Rule 1-1. Definitions.~~ As used in ~~these Rules relating to admission, the following~~
4 ~~terms shall be given the following meanings, except as otherwise expressly provided.~~
5 this article:

6 (a) "ABA". ~~The term ABA~~ means the American Bar Association.;

7 (b) "Active Member". ~~The term Active Member~~ means an attorney who is eligible
8 to engage in the practice of law in Utah, has applied for active status, and has paid the
9 required fees.;

10 (c) "Admissions Committee". ~~The term Admissions Committee~~ means those Utah
11 State Bar members or others appointed by the ~~Utah State~~ Board of Bar Commissioners
12 or President of the ~~Utah State~~ Bar who are charged with recommending standards and
13 procedures for admission to the ~~Utah State~~ Bar and with implementation of ~~these Rules~~
14 this article.; The Admissions Committee is responsible for supervising the work of the
15 Bar Examiner Committee, the Bar Exam Administration Committee, the Special
16 Accommodations Committee, and the Character and Fitness Committee, hearing
17 appeals as provided herein and performing other work relating to the admission of
18 Applicants.

19 (d) "Admission on Motion Applicant". ~~The term Admission on Motion Applicant is~~
20 means any person who satisfies the requirements of Rule ~~514-705~~.;

21 (e) "Approved Law School". ~~The term Approved Law School~~ means a law school
22 which is fully or provisionally approved by the ABA pursuant to its Standards and Rules
23 of Procedure for Approval of Law Schools. To qualify as approved, the law school must
24 have been fully or provisionally approved at the time of the Applicant's graduation, or
25 at the time of the Applicant's enrollment, provided that the Applicant graduated within
26 a typical and reasonable period of time.

27 (f) "Applicant". ~~The term Applicant~~ means each person requesting admission to the
28 Bar. For purposes of ~~these Rules~~ this article, an Applicant is classified as a Student
29 Applicant, a Student Attorney Applicant, a Foreign Law School Applicant, an
30 Attorney Applicant, or an Admission on Motion Applicant.;

(g) ~~"Attorney Applicant": The term Attorney Applicant is~~means any person who satisfies the requirements of Rule 414-704;

(h) ~~"Bar": The term Bar~~ means the Utah State Bar, including its employees, committees and the ~~Utah State Board of Bar Commissioners~~;

(i) ~~"Bar Examination": The term Bar Examination~~ means either the Sstudent Bar Examination or the Attorney Bar Examination as defined in Rule 10-14-710 or both, as the context requires;

(j) ~~"Bar Examiner Committee": The term Bar Examiner Committee~~ means those Bar members or others appointed by the Board or President of the Bar who are charged with drafting and reviewing questions and model answers and grading the Bar Examination;

(k) ~~"Bar Exam Administration Committee": The term Bar Exam Administration Committee~~ means those Bar members or others appointed by the Board or President of the Bar who are charged with assisting in the administration and evaluation of the Bar Examination;

(l) ~~"Board or Board of Commissioners": The term Board and Board of Commissioners are used interchangeably to~~ means the ~~Utah State Bar~~ Board of Bar Commissioners;

(m) ~~"Character and Fitness Committee": The term Character and Fitness Committee~~ means those Bar members or others appointed by the Board or President of the Bar who are charged with assessing the character and fitness of Applicants;

(n) ~~"Complete Application": The term Complete Application~~ means an application is complete only if it includes all fees and necessary application forms, along with any required supporting documentation, character references, a criminal background check, a photo, an official Certificate of Law School Graduation and if applicable, a special accommodation request with supporting medical documentation, a Certificate of Good Standing, and a Certificate of Practice;

(o) ~~"Confidential Information": The term Confidential Information~~ is defined in Rule 19-114-719(a);

(p) ~~“Deputy General Counsel of Admissions or Deputy General Counsel”.~~
~~The term Deputy General Counsel of Admissions and Deputy General Counsel~~ are
terms used interchangeably to mean the ~~Utah State~~ Bar's attorney in charge of
admissions or his or her designee.

(q) ~~“Disbarred Attorney”.~~ ~~The term Disbarred Attorney~~ means a person who has
been licensed to practice law in a state or United States Territory or the District of
Columbia and who is no longer licensed to practice law because of disbarment or
resignation with discipline pending or their equivalents.

(r) ~~“Executive Director”.~~ ~~The term Executive Director~~ means the ~~Executive~~
~~Director~~ of the Utah State Bar or his or her designee.

(s) ~~“Foreign Law School”.~~ ~~The term Foreign Law School~~ means any school located
outside of the United States and its protectorates, that is accredited by that jurisdiction's
legal accreditation body, if one exists, and whose graduates are otherwise permitted by
that jurisdiction's highest court to practice law.

(t) ~~“General Counsel”.~~ ~~The term General Counsel~~ means the ~~General Counsel~~
of the Utah State Bar or his or her designee.

(u) ~~“Inactive Member”.~~ ~~The term Inactive Member~~ means an attorney who is not
eligible to engage in the practice of law in Utah. ~~He or she~~ and has applied to the Bar for
inactive status and has paid the required fees.

(v) ~~“MBE”.~~ ~~The term MBE~~ means the Multistate Bar Examination prepared by the
National Conference of Bar Examiners.

(w) ~~“MEE”.~~ ~~The term MEE~~ means the Multistate Essay Examination prepared by the
National Conference of Bar Examiners.

(x) ~~“MPRE”.~~ ~~The term MPRE~~ means the Multistate Professional Responsibility
Examination prepared by the National Conference of Bar Examiners.

(y) ~~“MPT”.~~ ~~The term MPT~~ means the Multistate Performance Test prepared by the
National Conference of Bar Examiners.

(z) ~~“NCBE”.~~ ~~The term NCBE~~ means the National Conference of Bar Examiners, an
organization which develops, maintains, and applies reasonable and uniform standards
of bar examination education and testing.

(aa) ~~“OPC”~~. ~~The term OPC~~ means the Office of Professional Conduct of the Utah State Bar.;

(bb) ~~“Privileged Information”~~. ~~The term Privileged Information in these Rules this article~~ includes: information subject to the attorney-client privilege, attorney work product, test materials and applications of examinees; written decisions of the Board, Admissions Committee, Character and Fitness Committee, and Special Accommodations Committee; and the identity of individuals participating in the drafting, reviewing, grading and scoring of the Bar Examination.;

~~(cc) Rules. The term Rules means these Rules Governing Admission to the Utah State Bar~~

~~(dd)(cc)~~ ~~“Special Accommodations Committee”~~. ~~The term Special Accommodations Committee~~ means those Bar members or others appointed by the Board or President of the Bar who are charged with the review of requests from Applicants seeking special accommodations under which to take the Bar Examination and who make determinations thereon.;

~~(ee)(dd)~~ ~~“Student Applicant”~~. ~~The term Student Applicant is means~~ any person who satisfies the requirements of Rule 314-703.;

~~(ff)(ee)~~ ~~“Student Attorney Applicant”~~. ~~The term Student Attorney Applicant is means~~ any Applicant licensed to practice law in a sister State or United States territory or the District of Columbia, who does not qualify as an Attorney Applicant under Rule 414-704. ~~A Student Attorney Applicant and~~ must satisfy the requirements of Rule 314-703.;

~~(gg)(ff)~~ ~~“Supreme Court”~~. ~~The term Supreme Court~~ means the Utah Supreme Court.;

~~(hh)(gg)~~ ~~“Updated Application”~~. ~~The term Updated Application~~ means that an Applicant must complete a Reapplication for Admission Form updating any information that has changed since the prior application was filed and submit a new criminal background check.;

~~(ii)(hh)~~ ~~“Written Component”~~. ~~The term Written Component~~ means that portion of the Bar Examination that consists of essay questions and MPT questions.

Rule 214-702. Board of Commissioners- General Powers.

120 ~~Rule 2-1(a)~~. Admission to the Bar. The Board shall recommend and certify to the
121 Supreme Court for admission to the Bar persons who possess the necessary
122 qualifications of learning, ability and character which are a prerequisite to the privilege
123 of engaging in the practice of law, and who fulfill the requirements for admission to the
124 Bar as provided by ~~these Rules~~ this article.

125 ~~Rule 2-2(b)~~. Subpoena ~~P~~power. The ~~E~~executive ~~D~~director, the ~~G~~general ~~C~~counsel
126 and the ~~D~~deputy ~~G~~general ~~C~~counsel shall have power to issue subpoenas for the
127 attendance of witnesses or for the production of documentary evidence before the
128 Board or before anyone authorized to act on its behalf.

129 ~~Rule 2-3(c)~~. Administration of ~~O~~oaths. Members of the Board, the ~~E~~executive
130 ~~D~~director and their designees shall have power to administer oaths in furtherance of
131 ~~these Rules~~ this article.

132 ~~Rule 2-4(d)~~. Taking of ~~T~~estimony. Members of the Board, the ~~E~~executive ~~D~~director
133 and their designees shall have the power to take testimony in furtherance of ~~these~~
134 ~~Rules~~ this article.

135 ~~Rule 2-5(e)~~. Regulations. The Board is empowered to adopt and enforce reasonable
136 regulations and to appoint committees or persons in furtherance of ~~these Rules~~ this
137 article.

138 ~~Rule 2-6(f)~~. Waiver of ~~R~~rules. Neither the Bar nor its representatives has authority to
139 waive any ~~R~~rule. Waiver of any ~~R~~rule may only be obtained by petitioning the Supreme
140 Court.

141 Rule ~~314-703~~. Qualifications for ~~A~~admission of ~~S~~student, ~~S~~student ~~A~~attorney, and
142 ~~F~~foreign ~~L~~law ~~S~~school ~~A~~applicants.

143 ~~Rule 3-1(a)~~. Requirements of ~~S~~student and ~~S~~student ~~A~~attorney ~~A~~applicants. The
144 burden of proof is on the ~~A~~applicant to establish by clear and convincing evidence that
145 he or she ~~meets each of the following requirements~~:

146 (a)(1) ~~Have~~ has paid the prescribed fees and timely filed the required application in
147 accordance with Rule ~~714-707~~;

148 (b)(2) ~~Be~~ is at least ~~twenty-one~~ 21 years old;

(~~ea~~)(3) ~~Have~~has graduated with a first professional degree in law (Juris Doctorate or Bachelor of Laws) from an ~~A~~approved ~~L~~law ~~S~~school;

(~~da~~)(4) ~~Be~~is of good moral character and ~~have~~has satisfied the requirements of Rule ~~8~~14-708;

(~~ea~~)(5) ~~Have~~has successfully passed the ~~S~~student Bar Examination as prescribed in Rule ~~10~~14-710;

(~~fa~~)(6) ~~Have~~has successfully passed the MPRE as prescribed in Rule ~~13~~14-713; ~~and~~

(~~ga~~)(7) ~~Have~~has complied with the provisions of Rule ~~16~~14-716 concerning licensing and enrollment fees; ~~Rule 3-2(b).~~

Requirements of ~~F~~foreign ~~L~~law ~~S~~school ~~A~~applicants. The burden of proof is on the ~~A~~applicant to establish by clear and convincing evidence that he or she ~~meets each of the following requirements:~~

(~~ab~~)(1) ~~Prove that he or she~~ graduated from a foreign law school in a country where principles of English common law form the predominant basis for that country's system of jurisprudence;

(b)(2) ~~Have~~has paid ~~the~~ prescribed fees and timely filed the required application as a ~~F~~foreign ~~L~~law ~~S~~school ~~A~~applicant in accordance with Rule ~~7~~14-707;

(~~eb~~)(3) ~~Be~~is at least ~~twenty-one~~21 years old;

(~~db~~)(4) ~~Have~~has been admitted to practice law in an English common law jurisdiction;

(~~eb~~)(5) ~~Have~~has been substantially (meaning ~~fifty percent~~ (50%) or more) and lawfully engaged in the practice of law in an English common law jurisdiction for no fewer than two (~~2~~) years;

(~~fb~~)(6) ~~Successfully complete, that is~~ has earned a minimum grade of "C" or its passing equivalent, within ~~twenty-four~~ (24) consecutive months, not fewer than ~~twenty-four~~ (24) semester hours, or their equivalent in quarter hours, at an ~~A~~approved ~~L~~law ~~S~~school, including no less than one (~~1~~) course each in a core or survey course of constitutional law, civil procedure, criminal procedure or criminal law, legal ethics and evidence;

(gb)(7) ~~Be is~~ of good moral character and ~~have~~ has satisfied the requirements of Rule ~~8~~14-708;

(hb)(8) ~~Have~~ has successfully passed the ~~S~~student Bar Examination and MPRE as prescribed in Rules ~~40-14-710~~ and ~~43~~14-713; and

(ib)(9) ~~Have~~ has complied with the provisions of Rule ~~46-14-716~~ concerning licensing and enrollment fees;.

~~Rule 3-3(c).~~ Foreign ~~L~~law ~~S~~school ~~G~~graduates ~~N~~not ~~M~~mmeeting the ~~R~~requirements of ~~3-2paragraph (b).~~ All other students and graduates from foreign law schools not meeting the requirements of ~~Section 3-2paragraph (b)~~ may be recommended for admission only if they have graduated with a first professional degree in law (Juris Doctorate or Bachelor of Law) from an ABA ~~A~~approved ~~L~~law ~~S~~school.

Rule ~~4~~14-704. Qualifications for ~~A~~admission of ~~A~~attorney ~~A~~applicants.

~~Rule 4-1(a).~~ Requirements of ~~A~~attorney ~~A~~applicants. The burden of proof is on the ~~A~~applicant to establish by clear and convincing evidence that he or she ~~meets each of the following requirements:~~

(a)(1) ~~Have~~ has paid ~~the~~ prescribed fees and filed the required application as an ~~A~~attorney ~~A~~applicant in accordance with Rule ~~7~~14-707;

(ba)(2) ~~Be is~~ at least ~~twenty-one~~21 years old;

(ca)(3) ~~Have~~ has graduated with a first professional degree in law (Juris Doctorate or Bachelor of Laws) or equivalent degree from an ~~A~~approved ~~L~~law ~~S~~school;

(da)(4) ~~Have~~ has been admitted to the practice of law before the highest court of a sister state or United States territory, or the District of Columbia for no fewer than five ~~(5)~~ years, and have been substantially (meaning ~~fifty percent~~50% or more) and lawfully engaged in the practice of law in the jurisdiction where licensed for any four ~~(4)~~ of the five ~~(5)~~ years immediately preceding the filing of the application. For purposes of this rule, the practice of law includes the following activities or the equivalent thereof:

(~~4a~~)(4)(A) sole practitioner, or partner, shareholder, associate, or of counsel in a law firm; or

(~~2a~~)(4)(B) an organization's employee whose principal responsibility is to provide legal advice or service; or

(3a)(4)(C) government employee whose principal duties are to provide legal advice or service; or

(4a)(4)(D) service in the United States armed forces in a legal capacity; or

(5a)(4)(E) judge of a court of general or appellate jurisdiction requiring admission to a bar as a qualification for admission thereof; or

(6a)(4)(F) law clerk to a judge of a court of general or appellate jurisdiction; or

(7a)(4)(G) teaching full-time in an Approved Law School;

(ea)(5) Be-is of good moral character and have-has satisfied the requirements of Rule 814-708;

(fa)(6) Have-has successfully passed the Bar Examination as prescribed in Rule 414-710;

(ga)(7) Have-has successfully passed the MPRE as prescribed in Rule 4314-713; and

(ha)(8) Have-has complied with the provisions of Rule 46-14-716 concerning licensing and enrollment fees;.

Rule 4-2(b). Election to Take Student Bar Examination. At the time of application, an Attorney Applicant may elect to be examined under the Student Bar Examination as prescribed in Rule 40-14-710 and which is scored in accordance with Rule 4114-711.

Rule 514-705. Admission on Motion.

Rule 5-1(a). Reciprocal Addmission. An Addmission on Motion Applicant may be admitted to the practice of law if the Applicant has been admitted to the practice of law before the highest court of a sister state or United States territory or the District of Columbia where admission by motion is authorized and the Applicant meets all other requirements of this Rule. The burden of proof is on the Applicant to establish by clear and convincing evidence that he or she meets each of the following requirements:

(a)(1) Have-has been admitted by bar examination to practice law before the highest court of a sister state or United States territory or the District of Columbia;

(ba)(2) Holds a first professional degree in law (Juris Doctorate or Bachelor of Laws) from an Approved Law School;

(~~ea~~)(3) ~~E~~establish that the sister state or United States territory or the District of Columbia that licensed the ~~A~~applicant allows the admission of licensed Utah lawyers under terms and conditions similar to those set forth in this ~~R~~rule, provided that if the sister state or United States territory or the District of Columbia that licensed the ~~A~~applicant requires Utah lawyers to complete or meet other conditions or requirements, the ~~A~~applicant must meet a substantially similar requirement for admission in Utah.;

(~~da~~)(4) ~~H~~ave ~~has~~ been substantially and lawfully engaged in the active practice of law (meaning ~~fifty percent~~ 50% or more) in the reciprocal jurisdiction where licensed for at least three (~~3~~) of the previous four (~~4~~) years immediately preceding the date of the filing of the application for admission under this ~~R~~rule.;

(~~ea~~)(5) ~~P~~present satisfactory proof of both admission to the practice of law and that he or she is a member in good standing in all jurisdictions where currently admitted;

(~~fa~~)(6) ~~F~~ile with the application a certificate from the entity having authority over professional discipline for each jurisdiction where the ~~A~~applicant is licensed to practice which certifies that the ~~A~~applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter;

(~~ga~~)(7) ~~P~~present satisfactory proof to demonstrate that the ~~A~~applicant has been substantially and lawfully engaged in the practice of law for the applicable period of time;

(~~ha~~)(8) ~~E~~establish that the ~~A~~applicant possesses good moral character and satisfies the requirements of Rule 814-708;

(~~ia~~)(9) ~~P~~provide evidence of the ~~A~~applicant's educational and professional qualifications;

(~~ja~~)(10) ~~U~~pon the filing of the application, pay the prescribed fees; and

(~~ka~~)(11) ~~F~~ile with the Bar a designated ~~S~~service of ~~P~~process ~~F~~orm setting forth his or her address in this ~~S~~state and designating the ~~C~~lerk of the ~~Utah~~-Supreme Court as his or her agent upon whom process may be served.

~~Rule 5-2(b)~~. Active ~~P~~practice ~~D~~efined. For the purposes of this ~~R~~rule, the "active practice of law" shall include the following activities, if performed in a jurisdiction in

which the Applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice:

(ab)(1) sole practitioner, partner, shareholder, associate, or of counsel in a law firm; or

(b)(2) an organization's employee whose principal responsibility is to provide legal advice or service; or

(eb)(3) government employee whose principal duties are to provide legal advice or service; or

(db)(4) service in the United States armed forces in a legal capacity; or

(eb)(5) judge of a court of general or appellate jurisdiction requiring admission to a bar as a qualification for admission thereof; or

(fb)(6) law clerk to a judge of a court of general or appellate jurisdiction; or

(gb)(7) teaching full-time in an Approved Law School.

Rule 5-3.(c) Unauthorized Ppractice of Law. For the purposes of this Rule, the active practice of law shall not include work that, as undertaken, constitutes the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

Rule 5-4.(d) Continuing Legal Education Requirement. (a) All Applicants admitted to practice law pursuant to this Rule shall complete and certify no later than six (6) months following the Applicant's admission that he or she has attended at least fifteen-(15) hours of continuing legal education on Utah practice and procedure and ethics requirements.

(bd)(1) The Board ~~of Bar Commissioners~~ may by regulation specify the number of the required fifteen-(15) hours that must be in particular areas of practice, procedure, and ethics. Included in this mandatory fifteen-(15) hours is attendance at the Bar's OPC Ethics School. This class is offered twice a year and provides six (6) credit hours.

(ed)(2) The remaining nine (9) credit hours must be made up of Utah's New Lawyer Continuing Legal Education ("NLCLE") courses.

(d)(3) Twelve (12) of the fifteen-(15) hours may be completed through self-study by access to Utah's on-line education system.

(ed)(4) The above ~~fifteen~~-(15) hours will apply towards the 24 hours required per two-year compliance period.

(df)(5) Mandatory Continuing Legal Education ("MCLE") credit may be awarded for out-of-state activities that in the determination of the Board of Mandatory Continuing Legal Education ("MCLE Board") meet certain standards in furthering an attorney's legal education. Whether to accredit such activities and the number of hours of credit to allow for such activities shall be determined by the MCLE Board. Activities that may be regarded as equivalent to state-sponsored MCLE may include, but are not limited to, viewing of approved continuing legal education videotapes, writing and publishing an article in a legal periodical, part-time teaching in an Approved Law School, or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants, or law students. Application by a member of the Bar for accreditation of a MCLE activity must be submitted in writing to the MCLE Board. Forms and contact information regarding applying for accreditation is available on-line at mcle@utahbar.org. Out-of-state activities cannot substitute for the ~~fifteen~~-(15) mandatory CLE hours described in ~~5-4(b) and (c)~~ paragraph (d)(2) and (d)(3) above.

~~Rule 5-5.(e)~~ Subject to Utah Rules. All Applicants admitted to practice law pursuant to this Rule shall be subject to and shall comply with the Utah Rules of Professional Conduct, ~~the Rules Governing Admission to the Utah State Bar, the Utah Rules of Lawyer Discipline and Disability~~ and all other rules and regulations applicable to members of the Utah Bar.

~~Rule 5-6.(f)~~ Discipline. All Applicants admitted to practice law pursuant to this Rule shall be subject to professional discipline in the same manner and to the same extent as a member of the Bar. Every person licensed under this Rule shall be subject to control by the courts of ~~the State of~~ Utah and to censure, suspension, removal or revocation of the Applicant's license to practice in Utah regardless of where conduct occurs.

~~Rule 5-7.(g)~~ Notification of Change in Standing. All Applicants admitted to practice law pursuant to this Rule shall execute and file with the Bar a written notice of any change in such person's good standing in another licensing jurisdiction and of any final action of the professional body or public authority referred to in ~~5-1(f)~~ Rule 14-

~~705(a)(6) of this Rule~~ imposing any disciplinary censure, suspension, or other sanction upon such person.

~~Rule 5-8.(h)~~ Form and ~~c~~Content of ~~A~~application. ~~(a)~~ An ~~A~~admission on ~~M~~otion ~~A~~applicant shall file an application. The ~~A~~applicant must provide a full and direct response to questions contained in the application in the manner and time prescribed by ~~these Rules this article~~. The Board may require additional proof of any facts stated in the application. In the event of the failure or the refusal of the ~~A~~applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application without hearing. ~~(b)~~ An application shall include an authorization and release to enable the Board to obtain information concerning such ~~A~~applicant. By signing this authorization and release, an ~~A~~applicant waives his or her right to confidentiality of communications, records, evaluations, and any other information that may concern the ~~A~~applicant's fitness to practice law.

~~Rule 5-9.(i)~~ Timing of ~~A~~application and ~~A~~admission. ~~(a)~~ An application may be filed at any time. ~~(b)~~ Upon approval by the Board of an application the ~~A~~applicant will be admitted in accordance with Rule ~~4~~614-716.

Rule 614-706. Administration of Bar Examination under ~~S~~special ~~C~~circumstances.

~~Rule 6-1.(a)~~ Disabilities and ~~i~~mpairments. An ~~A~~applicant who has mental, physical, or cognitive disabilities as defined by the Americans with Disabilities Act ("ADA") may request a Bar Examination be administered under special circumstances to accommodate his or her disability. The request, including all supporting medical documentation, shall be made in writing at the time of application in the format prescribed by the Bar. The decision on such requests shall be made by the Special Accommodations Committee. Special accommodation requests received after the application deadline shall not be considered until the review period prior to the immediately following examination. The ~~A~~applicant must demonstrate that:

- ~~(i)-(a)(1)~~ he or she is disabled as defined by the ADA; and
- ~~(ii)-(a)(2)~~ the disability impacts his or her ability to take the Bar Examination; and
- ~~(iii)-(a)(3)~~ the accommodation requested is necessary to meet the limitation caused by the disability.

~~Rule 6-2.(b)~~ English as a ~~S~~second ~~L~~language. English as a second language is not a cognitive disability or impairment.

~~Rule 6-3.(c)~~ Petition for ~~R~~econsideration and ~~A~~ppeal ~~P~~rocedure; –
~~a~~Accommodation ~~R~~equests. ~~(a) Petition for Hearing for Reconsideration.~~ An ~~A~~pplicant must file a ~~P~~etition for ~~R~~econsideration of the decision within ten ~~(10)~~ calendar days of the date of the notice of the Special Accommodations Committee. The ~~P~~etition for ~~R~~econsideration shall contain a short and plain statement of the reasons the ~~A~~pplicant is entitled to relief.

~~(b)(1)~~ Burden of ~~P~~roof. The ~~A~~pplicant bears the burden of proving at the hearing by clear and convincing evidence that:

~~(i)-(c)(1)(A)~~ he or she is disabled as defined by the ADA; and
~~(ii)-(c)(1)(B)~~ the disability impacts his or her ability to take the Bar Examination; and
~~(iii)-(c)(1)(C)~~ the accommodation requested is necessary to meet the limitation caused by the disability.

~~(c)(2)~~ Reconsideration ~~H~~earing ~~P~~rocess. The review panel shall consist of at least three ~~(3)~~ members of the Admissions Committee. The review panel may consider only the documentation the ~~A~~pplicant submitted at the time he or she requested accommodation, and the decision of the Special Accommodations Committee. The ~~A~~pplicant and the Special Accommodations Committee may present expert witnesses to support their respective positions. The name(s) of the expert(s) must be disclosed to the respective parties at least five ~~(5)~~ calendar days before the hearing. Any attempt to change the original accommodation request or submit new medical documentation will be considered a new request for accommodation. The new request must be resubmitted to the Special Accommodations Committee for review and is subject to the time deadlines set forth in Rule ~~6-14-706(a)~~.

~~(d)(3)~~ Reconsideration ~~D~~ecision. The review panel shall affirm the decision of the Special Accommodations Committee if there is substantial and credible evidence to support it. The Admissions Committee review panel shall issue a written decision ~~fifteen~~ ~~(15)~~ calendar days after the completion of its reconsideration. The review panel shall provide its written findings and recommendation to three ~~(3)~~ members of the Board. The

Board panel shall make a decision on behalf of the Bar and notify the petitioner in writing of its final decision.

(ec)(4) Appeal Process. Within ~~thirty~~ (30) calendar days after the date of the Board's final decision, the Applicant may appeal to the Supreme Court by filing a Notice of Appeal with the Clerk of the Supreme Court and serving a copy upon the General Ccounsel for the Bar. At the time of filing the Notice of Appeal, the Applicant shall pay the prescribed filing fee to the Clerk of the Supreme Court. The Clerk will not accept a Notice of Appeal unless the filing fee is paid.

(fc)(5) Record of Proceedings. A record of the proceedings shall be prepared by the General Counsel Bar and shall be filed with the Clerk of the Supreme Court within ~~twenty-one~~ (21) calendar days following the filing of the Notice of Appeal.

(gc)(6) Appeal Petition. An Appeal Petition shall be filed with the Supreme Court within ~~thirty~~ (30) calendar days after the record of proceedings has been filed. The Appeal Petition shall state the name of the petitioner and shall designate the Bar as respondent. The Appeal Petition must contain the following:

(i)-(c)(6)(A) a statement of the issues presented and the relief sought;

(ii)-(c)(6)(B) a statement of the facts necessary to an understanding of the issues presented by the petitioner;

(iii)-(c)(6)(C) the legal argument which the petitioner believes demonstrates that he or she has a disability under the ADA and qualifies for the specific accommodations requested; and

(iv)-(c)(6)(D) a certificate reflecting service of the Appeal Petition upon the General Ccounsel.

(hc)(7) Response Petition. Within ~~thirty~~ (30) calendar days after service of the Appeal Petition on the General Ccounsel, the Bar, as respondent, shall file its response with the Clerk of the Supreme Court at the time of filing. Respondent shall serve a copy of the response upon the petitioner.

(ci)(8) Format of Appeal and Response Petitions. Except by permission of the Supreme Court, the Appeal Petition and the Bar's Response Petition shall not exceed ~~twenty-five~~ (25) double-spaced pages, each. These documents shall be

typewritten on 8 ½ inches by 11 inches paper. The text, including footnotes, shall be in type no smaller than ten ~~(10)~~ characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six ~~(6)~~ copies of the Appel Ppetition and the Response Ppetition shall be filed with the Clerk of the Supreme Court.

~~(j)~~(9) The Clerk of the Supreme Court will notify the parties if any additional briefing or oral argument is required. Upon entry of the Court's decision, the Clerk shall give notice of the decision.

Rule ~~7~~14-707. Application; deadlines; withdrawals; postponements and Fees.

~~Rule 7-1.~~(a) Form. Each Applicant must submit a Completed Application for examination and admission in accordance with the instructions prescribed by the Bar. Such application shall include an authorization and release enabling the Bar to obtain information concerning the Applicant.

~~Rule 7-2.~~(b) Filing Deadlines Generally. Except as otherwise provided herein, the Bar shall receive Complete Applications by October 1 preceding the February Bar Examination and by March 1 preceding the July Bar Examination. A complete Application will be accepted up to ~~fifteen~~(15) calendar days after the filing deadline if accompanied by the prescribed ~~fifteen~~(15)-day late fee. A Complete Application will be accepted up to November 1 for the February Bar Examination if accompanied by the prescribed 30-day late fee and up to April 1 for the July Bar Examination if accompanied by the prescribed 30-day late fee. An official Certificate of Law School Graduation reflecting graduation must be submitted by the Applicant prior to being permitted to take the Bar Examination. In accordance with the filing instructions and information for the application, late or incomplete applications will not be accepted with the following exception. A fingerprint card must be submitted to the Federal Bureau of Investigations ("FBI") in order for a criminal background check to be prepared. If the FBI rejects the fingerprint card, an application will be considered complete, if a copy of the rejection letter is included with the application. The Applicant will then have an additional ~~(six)~~ 6 weeks from the date of the rejection letter to submit the criminal background check to the Bar.

~~Rule 7-3.(c)~~ Filing ~~Dd~~eadlines for ~~Dd~~isbarred ~~Aa~~ttorneys. Disbarred ~~Aa~~ttorneys may not file an application for admission until the later of five ~~(5)~~ years after the effective date of the license revocation or the date specified in the disciplinary order. Disbarred ~~Aa~~ttorneys must comply with Rule ~~17-214-717(b)~~, if applicable. Complete ~~Aa~~pplications for ~~Dd~~isbarred ~~Aa~~ttorneys shall be received by the Bar by September 1 preceding the February Bar Examination and by February 1 preceding the July Bar Examination. Late applications for ~~Dd~~isbarred ~~Aa~~ttorneys are not permitted.

~~Rule 7-4.(d)~~ Withdrawal of ~~Aa~~pplications and ~~Rr~~efunds. To withdraw an application, written notice must be provided ~~thirty (30)~~ calendar days before the examination date. One-half of the filing fee paid shall be refunded; late fees will not be refunded. No refund is available to ~~Aa~~ddmission on ~~Mm~~otion ~~Aa~~pplicants or if the application is withdrawn within ~~thirty (30)~~ calendar days of the date of the Bar Examination or if a notice of a formal hearing by a panel of the Character and Fitness Committee has been sent to the ~~Aa~~pplicant.

~~Rule 7-5.(e)~~ ~~Emergency~~ Postponement of ~~Aa~~pplication. An ~~Aa~~pplicant may only postpone or transfer his or her application due to emergency circumstances or pursuant to Rule ~~8-2(d)(2)14-708(b)(4)(A)~~. Emergency transfers are subject to the following restrictions:

~~(ae)(1)~~ The ~~Aa~~pplicant must provide a written request, including payment of the prescribed transfer fee, prior to the date of the Bar Examination.

~~(be)(2)~~ Proof of the emergency must be provided. The reasons for the transfer ~~is~~ are limited to two circumstances:

~~(ie)(2)(A)~~ a personal medical emergency, or

~~(ie)(2)(B)~~ a death in the immediate family.

~~(ee)(3)~~ The transferring ~~Aa~~pplicant must specify which future Bar Examination he or she plans to take. The exam must be taken within the next two ~~(2)~~ scheduled Bar examinations.

~~(de)(4)~~ The ~~Aa~~pplicant must provide an ~~Uu~~ppdated ~~Aa~~pplication by filing a ~~Rr~~eapplication for ~~Aa~~ddmission form, updating any information that has changed since the prior application was filed and a new criminal background check. The ~~Rr~~eapplication

for Aadmission form should be submitted by the initial application deadline of October 1 preceding the February Bar Examination and March 1 preceding the July Bar Examination. A Reapplication for Aadmission will be accepted up to ~~fifteen (15)~~ calendar days after the filing deadline if accompanied by the prescribed ~~fifteen (15)~~-day late fee. A Reapplication for Aadmission form will be accepted up to November 1 for the February Bar Examination if accompanied by the ~~thirty (30)~~-day late fee and up to April 1 for the July Bar Examination if accompanied by the prescribed ~~thirty (30)~~-day late fee.

(e)~~(5)~~ An Applicant is entitled to one ~~(1)~~ transfer only.

~~Rule 7-6.(f)~~ Retaking Bar Examination. ~~(a)~~ An Applicant failing the Bar Examination who wishes to retake the examination must file a written request, including payment of the prescribed fee by the retake deadline. Late applications will not be accepted.

~~(b)~~~~(1)~~ The Applicant must provide an Uppdated Application form, updating any information that has changed since the application was filed and a new criminal background check.

~~(e)~~~~(2)~~ An Applicant who fails to achieve a passing score after six ~~(6)~~ examinations may only take additional examinations with the permission of the Admissions Committee. A petition providing good cause as to why the Admissions Committee should grant such a request must be filed with the Ddeputy Ggeneral Ccounsel by the initial application deadline for the examination. Late applications will not be accepted. Qualified Applicants who have already failed six ~~(6)~~ or more examinations by September 1, 2003, may be approved to take two ~~(2)~~ additional examinations.

Rule ~~8~~14-708. Character and Fitness.

~~Rule 8-1.(a)~~ Standard of Ccharacter and Fitness. An attorney's conduct should conform to the requirements of the law, both in professional service to clients and in the attorney's business and personal affairs. An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. An Applicant whose record manifests a significant deficiency in honesty, trustworthiness, diligence, or reliability shall be denied admission. The Applicant has the burden of proof to establish by clear and convincing evidence

his or her fitness to practice law. Applicants must be approved by the Character and Fitness Committee prior to sitting for the Bar Examination. At any time before being admitted to the Bar, the Character and Fitness Committee may withdraw or modify its approval.

~~Rule 8-2.(b)~~ Investigative ~~P~~rocess; ~~i~~investigative ~~i~~nterview. Investigations into the character and fitness of ~~A~~pplicants may be informal, but shall be thorough, with the object of ascertaining the truth.

~~(ab)~~(1) The Character and Fitness Committee may conduct an investigation and may act with or without requiring a personal appearance by an ~~A~~pplicant.

~~(b)~~(2) At the discretion of the Character and Fitness Committee, an ~~A~~pplicant may be required to attend an investigative interview conducted by one or more members of the Committee. The investigative interview shall be informal but the ~~A~~pplicant shall have the right to counsel and shall be notified in writing of the general factual areas of inquiry. Documentary evidence may be provided as part of the investigation, but no witnesses will be permitted to appear during the interview. The interview shall be a closed proceeding.

~~(eb)~~(3) After an investigative interview has been conducted, the ~~A~~pplicant shall be notified regarding whether or not he or she has been approved to sit for the Bar Examination. Applicants who are not approved will be notified regarding those areas that are of concern to the Committee.~~(4)~~ An ~~A~~pplicant seeking review of the decision must request a formal hearing within ten ~~(10)~~ calendar days of notice of the Committee's decision. ~~(2)~~ The request must be made in writing and provided to the ~~D~~eputy ~~G~~eneral ~~C~~ounsel.

~~(db)~~(4) The Committee may determine that an ~~A~~pplicant must take corrective action before approval of his or her application can be granted. The ~~A~~pplicant shall be notified in writing of the action required. ~~(1)~~ No later than ~~thirty~~ ~~(30)~~ days prior to the date of the Bar Examination, the ~~A~~pplicant must provide written documentation to the ~~D~~eputy ~~G~~eneral ~~C~~ounsel proving that the required corrective action has been completed.

~~(2b)~~(4)(A) If the documentation is not provided as required within ~~thirty~~ ~~(30)~~ days prior to the Bar Examination, the ~~A~~pplicant must, instead, submit to the ~~D~~eputy

General Counsel, a written request to transfer, including the payment of the prescribed transfer fee. The request must specify when the corrective action will be completed and which future examination the Applicant plans to take.

(3b)(4)(B) The exam must be taken within the next two (2)-scheduled Bar Examinations. An Applicant is entitled to one (1)-transfer only.

(4b)(4)(C) The application of an Applicant who neither takes corrective action nor requests a transfer shall be considered withdrawn.

~~Rule 8-3.(c)~~ Formal Hearing; Applicant's Request. In matters where the Character and Fitness Committee decides to convene or an Applicant so requests, the Character and Fitness Committee shall hold a formal hearing. The formal hearing shall be a closed proceeding and may be scheduled whether or not preceded by an investigative interview.

(ac)(1) A formal hearing shall be attended by no fewer than three (3)-Character and Fitness Committee members. Five (5)-calendar days before the hearing, the Applicant and the Committee must provide a list of witnesses and a copy of any exhibits to be offered into evidence. If an Applicant chooses to submit a written statement, it must also be filed five (5)-calendar days before the hearing.

(bc)(2) Written notice of the formal hearing shall be given at least ten (10)-calendar days before the hearing. Notice shall be sent to the Applicant at the address in the application. The notice shall include a statement of the preliminary factual matters of concern. The matters inquired into at the hearing are not limited to those identified in the notice, but may include any concerns relevant to making a determination regarding the Applicant's character and fitness.

(c)(3) The formal hearing will have a complete stenographic record made by a certified court reporter or an electronic record made by means acceptable in the courts of the State of Utah. All testimony shall be taken under oath. Although no formal rules of evidence or civil procedure will apply, an Applicant has the right to counsel, the right to cross-examine witnesses, the right to examine the evidence and the right to present witnesses and documentary evidence. An Applicant is entitled to make reasonable use

of the Bar's subpoena powers to compel attendance of witnesses and to adduce relevant evidence relating to matters adverse to the Applicant.

(d)(4) Written findings of fact and conclusions of law shall be issued no later than forty-five (45) calendar days after the formal hearing and any subsequent inquiries have been concluded.

Rule 8-4(d) Factors related to Character and Fitness. In addition to the standards set forth in Rules 8-14-708(a), and 8-514-708(f), and if applicable, Rule 8-614-708(g) if applicable, the Character and Fitness Committee may use the following factors to decide whether an Applicant possesses the requisite character and fitness to practice law:

(a)(1) the Applicant's lack of candor;

(b)(2) unlawful conduct;

(c)(3) academic misconduct;

(d)(4) making of false or misleading statements, including omissions;

(e)(5) misconduct in employment;

(f)(6) acts involving dishonesty, fraud, deceit or misrepresentation;

(g)(7) abuse of legal process;

(h)(8) neglect of financial responsibilities;

(i)(9) neglect of professional obligations;

(j)(10) violation of a court order;

(k)(11) evidence of mental or emotional instability;

(l)(12) evidence of drug or alcohol dependency;

(m)(13) denial of admission to the bar in another jurisdiction on character and fitness grounds;

(n)(14) past or pending disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction; and

(o)(15) other conduct bearing upon character or fitness to practice law.

(e) Assigning weight and significance to prior conduct. In making this a determination ~~through the processes described above~~ as to the requisite character and

fitness, the following factors should be considered in assigning weight and significance to prior conduct:

- (~~pe~~)(1) age at the time of conduct;
- (~~qe~~)(2) recency of the conduct;
- (~~re~~)(3) reliability of the information concerning the conduct;
- (~~se~~)(4) seriousness of the conduct;
- (~~te~~)(5) factors underlying the conduct;
- (~~ue~~)(6) cumulative effect of conduct or information;
- (~~ve~~)(7) evidence of rehabilitation;
- (~~we~~)(8) positive social contributions since the conduct;
- (~~xe~~)(9) candor in the admissions process; and
- (~~ye~~)(10) materiality of any omission or misrepresentations.

~~Rule 8-5-(f)~~ Criminal ~~C~~conduct; ~~P~~parole, ~~P~~probation and ~~S~~supervised ~~R~~release.

(~~af~~)(1) Where criminal charges are pending, an ~~A~~applicant's character and fitness review may be held in abeyance until the matter has been resolved by the court in question.

(~~bf~~)(2) An ~~A~~applicant convicted of a misdemeanor offense or who has entered a plea in abeyance to any criminal offense may be asked to appear before members of the Character and Fitness Committee for an investigation interview or a formal hearing. In determining whether the ~~A~~applicant is of good character, the Committee will consider the nature and seriousness of the criminal conduct resulting in the conviction(s), mitigating and aggravating factors including completion of terms and conditions of any sentence imposed, payment of restitution if applicable, and demonstration of clearly proven rehabilitation.

(~~ef~~)(3) A rebuttable presumption exists against admission of an ~~A~~applicant convicted of a felony offense. For purposes of this ~~R~~rule, a conviction includes entry of a nolo contendere (no contest) plea. An ~~A~~applicant who has been convicted of a felony offense is not eligible to apply for admission until after the date of completion of any sentence, term of probation or term of parole or supervised release, whichever occurred last. Upon an ~~A~~applicant's eligibility, a formal hearing as set forth in ~~these Rules~~ this article

before members of the Character and Fitness Committee will be held. Factors to be considered by the Committee include, but are not limited to, the nature and seriousness of the criminal conduct resulting in the conviction(s), mitigating and aggravating factors including completion of terms and conditions of a sentence imposed and demonstration of clearly proven rehabilitation.

Rule 8-6.(g) Disbarred Attorneys.

(g)(1) A Disbarred Attorney Applicant must undergo a formal hearing as set forth in Rule 8-314-708(c). A Disbarred Attorney Applicant has the burden of proving rehabilitation by clear and convincing evidence. No Applicant may take the Bar Examination prior to being approved by the Character and Fitness Committee as provided in Rule 8-114-708(a). In addition to the requirements set forth in Rule 1714-717, if applicable, and in conjunction with the application, an Applicant under this Rule must:

(ag)(1)(A) provide a comprehensive written explanation of the circumstances surrounding his or her disbarment or resignation;

(bg)(1)(B) provide copies of all relevant documents including, but not limited to, orders containing findings of fact and conclusions of law relating to disbarment or resignation; and

(cg)(1)(C) provide a comprehensive written account of conduct evidencing rehabilitation.

(g)(2) To prove rehabilitation, the Applicant must demonstrate the following:

(ig)(2)(A) positive action showing rehabilitation by such things as a person's occupation, religion, or community or civic service. Merely showing that the Applicant is now living as and doing those things he or she should have done throughout life, although necessary to prove rehabilitation, does not prove that the individual has undertaken a useful and constructive place in society;

(jg)(2)(B) provide evidence of strict compliance with all disciplinary and judicial orders;

(jig)(2)(C) unimpeachable character and moral standing in the community;

(ivg)(2)(D) proof of present professional competence and knowledge;

(v)(2)(E) lack of malice toward those who instituted the original proceeding against the Applicant;

(vi)(2)(F) personal assurances supported by corroborating evidence of a desire and intention to conduct one's self in an exemplary fashion in the future;

(vii)(2)(G) provide evidence of treatment for and current control of any substance abuse problem and/or psychological condition, if such were factors contributing to the disbarment or resignation; and

(viii)(2)(H) provide evidence of full restitution of funds or property where applicable.

~~Rule 8-7.(h)~~ Review of ~~D~~decision of Character and Fitness Committee; ~~A~~applicant's ~~R~~request. An Applicant has the right to have the Board review a decision made after a formal hearing as set forth in ~~these Rules~~ this article. A decision after a formal hearing is a prerequisite to Board review. An Applicant must file a written request for Board review with the ~~D~~deputy ~~G~~general ~~C~~counsel within ten ~~(10)~~ calendar days of the date of notice of the Character and Fitness Committee decision. A panel of three ~~(3)~~ Board members will review the decision. The review shall be a closed proceeding and will be limited to consideration of the record produced in the formal hearing including a certified copy of the transcript of the formal hearing, the Applicant's memorandum, if any, and the Bar's responsive memorandum, if any. An Applicant's appearance at the Board review will be permitted only if the review panel deems it necessary.

(ah)(1) Memoranda. After filing a written request for Board review, an Applicant may file a written memorandum identifying the Applicant's objections to the decision of the Character and Fitness Committee. The issues in the memorandum must be limited to matters contained in the record. The memorandum must be filed within ~~thirty~~ ~~(30)~~ calendar days of the filing of the request for Board review. The Bar may file a response, but no reply memorandum will be permitted.

(bh)(2) The decision of the Character and Fitness Committee shall be affirmed if there is substantial and credible evidence to support it. To meet his or her burden of proof, the Applicant must cite to the record and show that the evidence did not support the decision.

(eh)(3) Payment of transcript. An Aapplicant is responsible for paying for and obtaining a duly certified copy of the transcript of the formal hearing proceedings or other electronic record copy as described in Rule ~~8-3(e)~~14-708(c)(3).

(dh)(4) Harmless error. An Aapplicant must demonstrate that any errors of law, fact or procedure formed a basis for denial or approval. Harmless error does not constitute a basis to set aside the decision.

(eh)(5) The Board panel shall issue a final written decision within ~~thirty (30)~~ calendar days of completing its review.

~~Rule 8-8-(i)~~ Supreme Court Aappeal.

(a) Within ~~thirty (30)~~ calendar days after the date of the decision of the Board panel, the Aapplicant may appeal to the Supreme Court by filing a written Nnotice of Aappeal with the Cclerk of the Supreme Court and the Ggeneral Ccounsel. At the time of filing the Nnotice of Aappeal, the Aapplicant shall pay the prescribed filing fee to the Cclerk of the Supreme Court. The Cclerk will not accept a Nnotice of Aappeal unless the filing fee is paid.

(bi)(1) Record of proceeding. A record of the proceeding shall be prepared by the Bar and shall be filed with the Cclerk of the Supreme Court within ~~twenty-one (21)~~ calendar days following the filing of the Nnotice of Aappeal.

(ei)(2) An Aappeal Ppetition shall be filed with the Supreme Court ~~thirty (30)~~ calendar days after the record of the proceedings has been filed with the Supreme Court. The Aappeal Ppetition shall state the name of the petitioner and shall designate the Bar as the respondent. The Aappeal Ppetition must contain the following:

(i)-(i)(2)(A) a statement of the issues presented and the relief sought;

(ii)-(i)(2)(B) a statement of the facts necessary to an understanding of the issues presented by the appeal;

(iii)-(i)(2)(C) the legal argument supporting the petitioner's request; and

(iv)-(i)(2)(D) a certificate reflecting service of the Aappeal Ppetition upon the Ggeneral Ccounsel.

(d)(3) Within ~~thirty~~ (30) calendar days after service of the ~~A~~appeal ~~P~~petition on the Bar, the Bar, as respondent, shall file its response with the ~~C~~lerk of the Supreme Court. At the time of filing, a copy of the response shall be served upon the petitioner.

(e)(4) Format of ~~A~~appeal and ~~R~~esponse ~~P~~petitions. Except by permission of the Supreme Court, the ~~A~~appeal ~~P~~petition and the Bar's ~~R~~esponse ~~P~~petition shall not exceed ~~twenty-five~~ (25) double-spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches paper. The text, including footnotes, shall be in type no smaller than ten ~~(10)~~ characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six ~~(6)~~ copies of the ~~A~~appeal ~~P~~petition and the ~~R~~esponse ~~P~~petition shall be filed with the ~~C~~lerk of the Supreme Court.

(f)(5) The ~~C~~lerk of the Supreme Court will notify the parties if any additional briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the ~~C~~lerk shall give notice of the decision.

~~Rule 8-9.(j)~~ Reapplication. Reapplication after denial in a character and fitness determination may not be made prior to one ~~(1)~~ year from the date of the final decision (including the appellate decision, if applicable), unless a different time period is specified in the final decision. ~~Where-If~~ just cause exists, the Character and Fitness Committee may require an ~~A~~pplicant to wait up to three ~~(3)~~ years from the date of the final decision to reapply. ~~Where-If~~ a reapplication period longer than one ~~(1)~~ year is set for a Utah ~~D~~isbarred ~~A~~ttorney, the time period is subject to approval by the district court hearing the petition for reinstatement. See Rule ~~25-14-525 of the Utah Rules of Discipline and Disability~~.

Rule ~~914-709~~. Application ~~D~~denial.

~~Rule 9-1.(a)~~ Notice from Bar. An ~~A~~pplicant whose application is denied because he or she does not meet the qualifications for admission under ~~Rule 3, 4 or Rule 5, this article~~ will receive written notice from the Bar that his or her application has been denied, along with a statement explaining the deficiency and reason(s) for denial.

~~Rule 9-2.(b)~~ Request for ~~R~~review. A ~~R~~request for ~~R~~review of the decision must be filed with the Bar in writing within ~~fifteen~~ (15) calendar days. The ~~R~~request for ~~R~~review

shall contain a short and plain statement of the reasons that the Applicant is entitled to relief. A review panel consisting of no fewer than three ~~(3)~~ members of the Admissions Committee shall review all relevant evidence. The review panel shall make a decision on the Rrequest for Rreview and shall notify the Applicant in writing of its decision in the form of a final decision.

Rule 9-3.(c) Supreme Court Appel. ~~(a)~~ Within ~~thirty (30)~~ calendar days after the date of the final decision, the Applicant may appeal to the Supreme Court by filing a written Nnotice of Appel with the Clerk of the Supreme Court and serving a copy upon the General Counsel. At the time of filing the Nnotice of Appel, the Applicant shall pay the prescribed filing fee to the Clerk of the Supreme Court. The Clerk will not accept a Nnotice of Appel unless the filing fee is paid.

~~(b)~~(1) Record of proceeding. A record of the proceedings shall be prepared by the Bar and shall be filed with the Clerk of the Supreme Court within ~~twenty-one (21)~~ calendar days following the filing of the Nnotice of Appel.

(c)(2) An Appel Ppetition shall be filed with the Supreme Court ~~thirty (30)~~ calendar days after the record of proceedings has been filed. The Appel Ppetition shall state the name of the petitioner and shall designate the Bar as respondent. The Appel Ppetition must contain the following:

~~(i)-(c)(2)(A)~~ a statement of the issues presented and the relief sought;

~~(ii)-(c)(2)(B)~~ a statement of the facts necessary to an understanding of the issues presented by the appeal;

~~(iii)-(c)(2)(C)~~ the legal argument supporting the appeal; and

~~(iv)-(c)(2)(D)~~ a certificate reflecting service of the Appel Ppetition upon the General Counsel.

(d)(3) Within ~~thirty (30)~~ calendar days after service of the Appel Ppetition on the Bar, the Bar, as respondent, shall file with the Clerk of the Supreme Court a response. At the time of filing, a copy of the response shall be served upon the petitioner.

(e)(4) Format of Appel and Response Ppetitions. Except by permission of the Supreme Court, the Appel Ppetition and the Bar's Response Ppetition shall not exceed ~~twenty-five (25)~~ double-spaced pages, each. These documents shall be

typewritten on 8 ½ inches by 11 inches paper. The text, including footnotes, shall be in type no smaller than ten ~~(10)~~ characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six ~~(6)~~ copies of the Appel Ppetition and the Response Ppetition shall be filed with the Clerk of the Supreme Court.

~~(f)~~(5) The Clerk of the Supreme Court will notify the parties if any additional briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the Clerk shall give notice of the decision.

Rule ~~10~~14-710. Composition of the Bar Examination.

~~Rule 10-1.(a)~~ Student Bar Examination. The Student Bar Examination shall include a Written Component and the MBE. The Written Component of the examination may consist of up to eight ~~(8)~~ essay questions and two ~~(2)~~ MPT questions. One essay question shall relate to legal ethics. Essay questions may be taken from the MEE and/or state prepared essay questions. Students and Student Attorney Applicants are required to take the Student Bar Examination.

~~Rule 10-2.(b)~~ Attorney Bar Examination. The Attorney Bar Examination shall consist of the Written Component of the Student Bar Examination. Attorney Applicants who meet the requirements set forth in Rule ~~4-14-704~~ are eligible to sit for the Attorney Bar Examination.

Rule ~~11~~14-711. Preparation, Ggrading and Sscoring of the Bar Examination.

~~Rule 11-1.(a)~~ Preparation of Essay Questions. Essay questions and model answers are: selected from the MEE; or prepared by members of the Bar Examiner Committee or outside sources. Members of the Bar Examiner Committee or the Bar Exam Administration Committee shall review essay questions and model answers.

~~Rule 11-2.(b)~~ Preparation of the MPT Questions. MPT questions and model answers are prepared by the NCBE and reviewed by members of the Bar Examiner Committee or Bar Exam Administration Committee.

~~Rule 11-3.(c)~~ Grading the Written Component of the Bar Examination. Essay and MPT answers shall be uniformly graded on a scale from zero to five ~~(5)~~ points. In order to assure maximum fairness and uniformity in grading, the Board or its designees shall

prescribe procedures and standards for grading to be used by all graders. Each MPT question shall have twice the weight of an essay question. The essay and MPT scores added together constitute the raw Wwritten Ccomponent score.

~~Rule 11-4.(d)~~ Examination Sscoring and Ppassing Ggrade. The raw Wwritten Ccomponent score is scaled to the MBE portion of the examination using the standard deviation method. The scaled MBE score and the scaled Wwritten Ccomponent score are combined. An Aapplicant who receives a combined score of ~~260 or above passes the Bar Examination. Effective for the July 2006 Bar Examination and thereafter, an Applicant who receives a combined score of~~ 270 or above passes the Bar Examination.

Rule ~~42~~14-712. MBE Sscores.

~~Rule 12-1.(a)~~ MBE Sscore Ttransferability. The Bar will not accept MBE scores transferred from another jurisdiction unless the MBE is taken in the same examination period that the Wwritten Ccomponent is taken in Utah.

~~Rule 12-2.(b)~~ How to Ttransfer MBE Sscores. To transfer MBE scores, an Aapplicant must send a written transfer request, along with the prescribed fee, to the NCBE. A transfer request form and fee information is provided by the NCBE website. See NCBE website at www.ncbex.org.

Rule ~~43~~14-713. MPRE.

~~Rule 13-1.(a)~~ MPRE Rrequirements. In addition to the requirements of Rule ~~46-514-716(e)~~, an Aapplicant must receive a passing score on the MPRE prior to admission to the Bar. The passing score must be achieved within two ~~(2)~~ years of the date of the Bar Examination. A scaled score of 86 is considered passing. A scaled score of 80 will be considered passing for Bar Examinations taken on or before July 2004. It is the Applicant's responsibility to insure that his or her MPRE score is reported to the Bar.

~~Rule 13-2.(b)~~ MPRE ~~Examination~~. The MPRE is administered by the NCBE. To take the MPRE, an applicant must file an application with and pay the prescribed fee to the NCBE. See NCBE website at www.ncbex.org.

Rule ~~44~~14-714. Unsuccessful Aapplicants: disclosure and Rright of inspection.

~~Rule 14-1.(a)~~ Inspection of the Wwritten Ccomponent. The Wwritten Ccomponent of the Bar Examination shall be retained for no fewer than six ~~(6)~~ months after the date

that examination's results have been announced. An unsuccessful Applicant shall be entitled to a reasonable inspection of:

(a)(1) the essay and MPT questions;

(b)(2) the Applicant's answers to the essay and MPT questions of the examination;

(c)(3) the model answer for each question; and

(d)(4) an explanation of the grading process.

(b) Privileged Information is not subject to disclosure. ~~All disclosure is governed by Rule 19.~~

~~Rule 14-2.(c)~~ Inspection of MBE. This rule does not permit an Applicant to inspect the MBE, which is administered nationally. Neither copies of the MBE questions nor answers are retained by the Bar.

~~(d) All disclosure under this rule is governed by Rule 14-719.~~

~~Rule 15-1-715.~~ Bar Examination Appeals.

~~Rule 15-1.(a)~~ Request for Review. A Request for Review, along with the prescribed filing fee, must be filed with the Bar in writing within ~~thirty (30)~~ calendar days of the date that the Bar Examination results are mailed to the Applicant.

~~Rule 15-2.(b)~~ Standard of Review. The Board or its designees shall only review the request of failing Applicants who claim that failure was because of a substantial irregularity in the administration of the examination that resulted in manifest unfairness or because of mathematical errors in the scoring of the Applicant's examination. A substantial irregularity in the administration of the examination will not be a matter that will result in questions or answers being reread, reevaluated or regraded. The Board and its designees shall not reread, reevaluate or regrade Bar Examination answers.

~~Rule 15-3.(c)~~ Bar Examination Review and Appeal Procedure. The Request for Review shall contain a short and plain statement of the reasons that the Applicant is entitled to relief based on ~~Rule 15-214-715(b).~~

~~(a)(1) Review panel and Board decision.~~ The review panel consisting of no fewer than three ~~(3)~~ members of the Admissions Committee shall review all relevant evidence. Requests for Review setting forth common issues may be consolidated in whole or in

part as determined by the chair of the review panel. The Admissions Committee shall file with a panel of three ~~(3)~~ members of the Board its written findings of fact and recommendations. The Board panel shall make a decision on the Rrequest for Rreview and shall notify the Aapplicant in writing of its decision in the form of a final decision, which includes findings of fact and conclusions of law.

(bc)(2) Appeal process. Within ~~thirty (30)~~ calendar days after the date of the final decision, the Aapplicant may appeal to the Supreme Court by filing a written Nnotice of Aappeal with the Clerk of the Supreme Court and serving a copy upon the Ggeneral Ccounsel. At the time of filing the Nnotice of Aappeal, the Aapplicant shall pay the prescribed filing fee to the Clerk of the Supreme Court. The Clerk will not accept a Nnotice of Aappeal unless the filing fee is paid.

(c)(3) Records of proceedings. A record of the proceedings shall be prepared by the Bar and shall be filed with the Clerk of the Supreme Court within ~~twenty-one (21)~~ calendar days following the filing of the Nnotice of Aappeal.

(dc)(4) Appeal petition. An Aappeal Ppetition shall be filed with the Supreme Court ~~thirty (30)~~ calendar days after a record of the proceedings has been filed with the Supreme Court. The Aappeal Ppetition shall state the name of the petitioner and shall designate the Bar as respondent. The Aappeal Ppetition must contain the following:

(i)-(c)(4)(A) a statement of the issues presented and the relief sought;

(ii)-(c)(4)(B) a statement of the facts necessary to an understanding of the issues presented by the appeal;

(iii)-(c)(4)(C) the legal argument supporting the petitioner's request; and

(iv)-(c)(4)(D) a certificate reflecting service of the Aappeal Ppetition upon the Ggeneral Ccounsel.

(ec)(5) Format of Aappeal and Rresponse Ppetitions. Except by permission of the court, the Aappeal Ppetition and the Bar's response shall not exceed ~~twenty-five (25)~~ double-spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches paper. The text, including footnotes, shall be in type no smaller than ~~ten (10)~~ characters per inch for monospaced typeface and 13-point or larger for proportionally

891 spaced typeface. An original and six ~~(6)~~ copies of the App~~eal~~ Petition and the
892 Response Petition shall be filed with the Clerk of the Supreme Court.

893 ~~(fc)(6)~~ Within ~~thirty (30)~~ calendar days after service of the App~~eal~~ Petition on the
894 Bar, the Bar, as respondent, shall file its response with the Clerk of the Supreme
895 Court. At the time of filing, a copy of the response shall be served upon the petitioner.

896 ~~(gc)(7)~~ The Clerk of the Supreme Court will notify the parties if any additional
897 briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the
898 Clerk shall give notice of the decision.

899 Rule ~~16-14-716~~. License Fees; Eenrollment Fees; Oath and Aadmission.

900 ~~Rule 16-1.(a)~~ Court Eenrollment Fees and Bar License Fee. After notification that
901 the Board has approved the Applicant for admission, the Applicant must pay to the
902 Bar the applicable Bar license fee for either active or inactive status. The Applicant
903 must pay to the Bar the mandatory Supreme Court enrollment fee, regardless of
904 whether the Applicant elects active or inactive attorney status. If an Applicant elects
905 active status, an Applicant must pay to the Bar the enrollment fee of the United States
906 District Court for the District of Utah. The Bar collects and transmits the federal and
907 state court enrollment fees.

908 ~~Rule 16-2.(b)~~ Motion for Aadmission and Eenrollment. Upon satisfaction of the
909 requirements of Rule ~~16-14-716(a)~~, the Board will submit motions to the Supreme
910 Court and the United States District Court for the District of Utah for admission certifying
911 that the Applicants have satisfied all qualifications and requirements for admission to
912 the Bar. The Board will submit three ~~(3)~~ motions for admission per year: October,
913 February and May. After the motions are submitted and upon approval by the Supreme
914 Court and the United States District Court for the District of Utah and upon taking the
915 required oath, an Applicant is eligible to be enrolled into Utah's state and federal
916 courts.

917 ~~Rule 16-3.(c)~~ Admission Ceremony. There will be two ~~(2)~~ admission ceremonies a
918 year to administer the required oath to be placed on either active or inactive attorney
919 status: May and October.

920 ~~Rule 16-4.(d)~~ Oath of ~~A~~attorney and ~~C~~ertificate of ~~A~~admission. Every ~~A~~applicant
921 must take an oath. The oath must be administered by the ~~C~~lerk of the Supreme Court,
922 the clerk of a court of the United States, a Utah ~~S~~state judge ~~or~~ district or juvenile court
923 level or higher, a judge of a court of the United States or a judge of a court of general
924 jurisdiction or higher of a state of the United States. In the event of military assignment
925 outside the United States, a military court judge may administer the oath. After
926 administration of the oath, each ~~A~~applicant must sign the roll of attorneys maintained by
927 the ~~C~~lerk of the Supreme Court at which time the ~~A~~applicant receives a certificate of
928 admission to the Bar. If the oath is administered other than at an admission ceremony
929 as provided in ~~these Rules this article~~, the ~~A~~applicant must contact the ~~C~~lerk of the
930 Supreme Court for information on administration of the oath. If the ~~A~~applicant elects
931 active status, he or she must also contact the United State District Court for the District
932 of Utah and sign its roll of attorneys.

933 ~~Rule 16-5.(e)~~ Time ~~L~~imit for ~~A~~admission. If an ~~A~~applicant has met all other
934 admission requirements, but fails to pay the prescribed license and enrollment fees or
935 fails to take the oath as required by Rule ~~16-414-716(d)~~ within two ~~(2)~~ years after
936 notification of approval by the Board, the approval for admission is automatically
937 withdrawn. Failure to timely satisfy the provision of this ~~R~~ule requires an ~~A~~applicant to
938 recommence the application process including a new application, payment of fees, a
939 character and fitness investigation and retaking of the Bar Examination, if applicable.

940 Rule ~~17-14-717~~. Readmission after ~~R~~esignation or ~~D~~isbarment of Utah ~~A~~attorneys.

941 ~~Rule 17-1.(a)~~ Readmission after ~~R~~esignation without ~~D~~iscipline ~~P~~ending.
942 Readmission subsequent to the resignation without discipline pending of a member of
943 the Bar requires a new application, payment of fees, and a character and fitness
944 investigation. An ~~A~~applicant is not required to retake the Bar Examination but must fully
945 comply with the requirements of Rule ~~1614-716~~.

946 ~~Rule 17-2.(b)~~ Readmission of ~~D~~isbarred ~~A~~attorneys. An ~~A~~applicant for readmission
947 to the Bar under these circumstances shall satisfy all requirements of ~~these Rules this~~
948 ~~article~~, including Rules ~~314-703~~, ~~7-314-707(c)~~, ~~8-614-708(g)~~ and ~~1614-716~~, and shall
949 satisfy all other requirements imposed by Rule ~~25-14-525 of the Utah Rules of Lawyer~~

~~Discipline and Disability~~, the OPC, and Utah courts. A report and recommendation shall be filed by the Character and Fitness Committee in the district court in which the Applicant has filed his or her petition for readmission. The district court must approve the Applicant's petition for readmission under Rule ~~25-14-525 of the Utah Rules of Lawyer Discipline and Disability~~ before an Applicant can be admitted and licensed under Rule ~~16-14-716~~ to practice law.

Rule ~~18-14-718~~. Licensing of Foreign Legal Consultants.

Licensing of foreign legal consultants is governed by Rule 14-811 and administered in conjunction with this article.

~~Rule 18 is not set forth in its entirety due to its length. An Applicant may request a copy of the complete Rule from the Bar's Admission Office or access it on the Bar's website at www.utahbar.org.~~

~~Rule 18-1. General Requirements. The Supreme Court may license as a Foreign Legal Consultant an Applicant who meets all of the following requirements:~~

~~(a) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;~~

~~(b) possesses the good moral character and general fitness as required under the Rules for a member of the Bar;~~

~~(c) intends to practice as a legal consultant in Utah and to maintain an office in Utah for that purpose;~~

~~(d) has passed the MPRE in accordance with Rule 13; and~~

~~(e) has successfully completed the one-day Bar's OPC Ethics School.~~

~~Rule 18-2. Proof Required. An Applicant seeking licensing as a Foreign Legal Consultant shall file with the Bar:~~

~~(a) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline, certifying as to the Applicant's admission to practice and the date thereof, and attesting to the Applicant's good standing as such attorney or counselor at law or the equivalent;~~

~~(b) a duly authenticated English translation of such certificate, if it is not in English;~~

~~(c) such other evidence as to the Applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of these Rules as the Supreme Court may require;~~

~~(d) a duly executed statement confirming that the Applicant understands and will observe the Utah Rules of Professional Conduct;~~

~~(e) a certificate evidencing Applicant has professional liability insurance;~~

~~(f) a duly acknowledged instrument setting forth his address in Utah, his or her address in the foreign country, and designating that the Clerk of the Supreme Court is the Applicant's agent upon whom process may be served; and~~

~~(g) application fees equal to the fee required of an attorney Applicant applying for admission as a member of the Bar, and an annual licensing fee equal to the fee required of a member of the Bar renewing his or her license to practice law.~~

~~Rule 18-3. Scope of Practice. A person licensed to practice as a Foreign Legal Consultant under this Rule may render legal services in Utah with respect to the law of the foreign country in which such person is admitted to practice law, subject, however, to the limitations that he or she shall not:~~

~~(a) appear as an attorney in any court in Utah in other than a pro se capacity;~~

~~(b) render professional legal advice on the law of Utah or on the United State of America ("United States");~~

~~(c) prepare any legal instrument based on the laws of Utah or the United States, including, but not limited to, any instrument regarding marital or parental relations of a resident of the United States, any will or trust instrument affecting property owned by a resident of the United State, or any instrument affecting the transfer or registration of the title of real estate located in the United States.~~

~~Rule 19-1-719. Confidentiality.~~

~~Rule 19-1-(a) Confidentiality. Confidential information relating to admissions shall not be disclosed other than as permitted by these Rules this article. Confidential information includes but is not limited to all records, documents, reports, letters and~~

sources whether or not from other agencies or associations, relating to admissions and the examination and grading process.

~~Rule 19-2.(b)~~ Disclosure of ~~C~~confidential ~~i~~information in ~~A~~admissions ~~P~~rocess. Nothing in ~~these Rules-this article~~ limits disclosure of confidential information to the Board and the Bar's employees, committees and their agents in connection with the performance of and within the scope of their duties.

~~Rule 19-3.(c)~~ Disclosure of ~~C~~confidential ~~i~~information to ~~A~~applicant. An ~~A~~applicant and an ~~A~~applicant's attorney are entitled to ~~C~~confidential ~~i~~information directly related to the ~~A~~applicant:

(~~ac~~)(1) which is to be considered by the Character and Fitness Committee in conjunction with a formal hearing in accordance with Rule ~~8-314-708(c)~~; and

(~~bc~~)(2) as permitted by Rule ~~1414-714~~.

~~Rule 19-4.(d)~~ Privileged ~~i~~information. Neither an ~~A~~applicant nor an ~~A~~applicant's attorney nor any person is entitled to ~~P~~privileged ~~i~~information.

~~Rule 19-5.(e)~~ Communications ~~R~~elating to ~~A~~applications. Letters or information relating to an ~~A~~applicant in which the writer requests confidentiality shall not be placed into evidence or otherwise made available to the decision-making body or anyone else involved in a decision-making capacity with respect to the admission of the ~~A~~applicant. Such material will be destroyed by the ~~A~~admissions ~~O~~ffice. Any person having knowledge of the content of the information shall withdraw from participation in the matter, and if necessary persons shall be appointed to replace those required to withdraw from the decision-making process.

~~Rule 19-6.(f)~~ Release of ~~i~~information. Except as otherwise authorized by order of the Supreme Court, the Bar shall deny requests for ~~C~~confidential ~~i~~information but may grant the request if made by one of the following entities:

(~~af~~)(1) ~~A~~an entity authorized to investigate the qualifications of persons for admission to practice law;

(~~bf~~)(2) ~~A~~an agency or entity authorized to investigate the qualifications of persons for government employment;

(~~cf~~)(3) ~~A~~a lawyer discipline enforcement agency; or

(d)(4) Aan agency or entity authorized to investigate the qualifications of judicial candidates.

(g) Release of confidential information. If the request for confidential information is granted, Confidential Information shall be released only upon certification by the requesting agency or entity that the Cconfidential Iinformation shall be used solely for authorized purposes. If one of the above-enumerated entities requests Cconfidential Iinformation, the Bar shall give written notice to the Aapplicant that the Cconfidential Iinformation will be disclosed within ten ~~(10)~~ calendar days unless the Aapplicant obtains an order from the Supreme Court restraining such disclosure.

~~Rule 19-7.~~(h) Immunity from civil suits. Participants in proceedings conducted under ~~these rules this article~~ shall be entitled to the same protections for statements made in the course of the proceedings as participants in judicial proceedings. The Aadmissions-related committee members, the Ddeputy Ggeneral Ccounsel ~~in Charge of Admissions~~, the Ggeneral Ccounsel and admissions staff shall be immune from suit for any conduct committed in the course of their official duties, including the investigatory stage. There is no immunity from civil suit for intentional misconduct.

~~Rule 19-8.~~(i) Persons Pproviding Iinformation to Aadmission Ooffice or Aadmissions-related Ccommittees. Every person or entity shall be immune from civil liability for providing, in good faith, documents, statements of opinion, records or other information regarding an applicant or potential applicant for admission to the ~~Utah State Bar~~ to the Aadmissions Ooffice or to those members of the Aadmissions-related committees.

~~Rule 20.~~ 14-720 Qualifications for admission of house counsel applicants.

~~Rule 20-1.~~(a) Scope of practice. An attorney admitted to the Bar as House Counsel shall limit his or her practice of law including legal representation only to the business of his or her employer. House Counsel shall not:

(a)(1) Appear before a court of record or not of record as an attorney or counselor in the State of Utah except as otherwise authorized by law or rule; or

~~(b)~~ (a)(2) Offer legal services or advice to the public or hold himself or herself out as being so engaged or authorized, except as permitted under Rule 5.5 of the Utah Rules of Professional Conduct. An attorney granted a House Counsel license is not prevented

from appearing in any matter pro se or from fulfilling the duties of a member of the active or reserve components of the armed forces or the National Guard.

~~Rule 20-2-(b)~~ Requirements of house counsel applicants. To be recommended for admission to the Bar as House Counsel, a person must establish by clear and convincing evidence that he or she meets each of the following requirements:

~~(a)-(b)(1)~~ Filed with the Admissions Office a Complete Application for admission to the Bar and paid the prescribed application fee;

~~(b)(2)~~ Be at least twenty-one years old;

~~(c)-(b)(3)~~ Graduated with a first professional degree in law (Juris Doctorate or Bachelor of Laws) from an Approved Law School;

~~(d)-(b)(4)~~ Be licensed to practice law and in active status in a sister state or United States territory or the District of Columbia;

~~(e)-(b)(5)~~ Either (1) be a bona fide resident of the State of Utah or (2) maintain an office as the employer's House Counsel within the State of Utah;

~~(f)-(b)(6)~~ Be employed and practice law exclusively as House Counsel for a corporation, its subsidiaries or affiliates, an association, a business, or other legal entity whose lawful business consists of activities other than the practice of law or the provision of legal services;

~~(g)-(b)(7)~~ Provide an affidavit signed by both the Applicant and the employer that the Applicant is employed exclusively as House Counsel and that Applicant has disclosed to the employer the limitations on House Counsel's license of practicing under this rule;

~~(h)-(b)(8)~~ Be of good moral character and have satisfied the requirements of Rule ~~8-14-708~~;

~~(i)-(b)(9)~~ Present satisfactory proof of both admission to the practice of law and that he or she is a member in good standing in all jurisdictions where currently admitted;

~~(j)-(b)(11)~~ File with the application a certificate from the entity having authority over professional discipline for each jurisdiction where the Applicant is licensed to practice which certifies that the Applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter; and

~~(k)-(b)(12)~~ Complied with the oath and enrollment provisions of Rule ~~46-14-716~~ and paid the licensing fees required for active status.

~~Rule 20-3-(c)~~ Application. An Applicant requesting a license to serve as House Counsel must file a Complete Application for admission.

~~(a)-(c)(1)~~ An application under this rule may be filed at any time.

~~(b)-(c)(2)~~ The processing time of a House Counsel application is approximately 90 to 180 days.

~~(c)(3)~~ Applicants must meet all House Counsel admission requirements in accordance with ~~Rule 20-2~~ this rule.

~~(d)-(c)(4)~~ Upon approval by the Board of an application, the Applicant will be admitted in accordance with ~~Rule 46-2 14-716(b)~~.

~~Rule 20-4-(d)~~ Unauthorized practice of law.

~~(a)-(d)(1)~~ It is the unauthorized practice of law for an attorney not licensed in Utah to practice law in the state except as otherwise provided by law.

~~(b)-(d)(2)~~ An attorney who complies with the requirements of ~~Rule 20-2(a) subsection (b)(1)~~ may provide services to an employer in Utah while the application is pending as long as the application is filed within six months of the out-of-state attorney establishing an office or residence in Utah.

~~(e)-(d)(3)~~ No attorney who is not a member of the Bar and is acting as an attorney in Utah for an employer shall be denied a House Counsel license solely because of the attorney's prior failure to seek admission to the Bar, provided that an application pursuant to this rule is filed within one year of the Court's adoption of this rule.

~~(d)(4)~~ After the one-year enrollment period referred to in ~~Rule 20-4(e) subsection (d)(3)~~, an attorney who provides legal advice to his or her employer but is not an active member of the Bar or licensed as a House Counsel pursuant to this rule may be referred for investigation for the unauthorized practice of law.

~~Rule 20-5-(e)~~ Continuing legal education requirement. House Counsel shall:

~~(a)-(e)(1)~~ File with the ~~Board of Mandatory Continuing Legal Education~~ ("MCLE Board"), by January 31 of each year, a Certificate of Compliance from the jurisdiction where House Counsel maintains an active license establishing that he or she has

completed the hours of continuing legal education required of active attorneys in the jurisdiction where House Counsel is licensed; and

~~(b)-(e)(2)~~ Pay the designated filing fee at the time of filing the Certificate of Compliance. A House Counsel admitted under this rule who fails to comply with the CLE filing requirement by the January 31 deadline shall be assessed a late fee. Any House Counsel who fails to file within ~~thirty (30)~~ calendar days of the January 31 deadline may be subject to suspension and a reinstatement fee.

~~Rule 20-6. (f)~~ Applicable regulations. House Counsel is subject to and must comply with the Utah Rules of Professional Conduct, ~~the Rules Governing Admission to the Utah State Bar, the Rules for Integration and Management of the Utah State Bar, the Rules of Lawyer Discipline and Disability, Chapter 14, Article 1, Integration and Management, Chapter 14, Article 5, Lawyer Discipline and Disability, Chapter 14, Article 7, Admissions~~, and all other rules and regulations governing the conduct and discipline of members of the Bar.

~~Rule 20-7. (g)~~ Discipline. House Counsel is subject to professional discipline in the same manner and to the same extent as a member of the Bar. Every person licensed under this rule is subject to control by the courts of the State of Utah and to censure, suspension, removal, or revocation of his or her license to practice as House Counsel in Utah regardless of where the conduct occurs.

~~Rule 20-8. (h)~~ Notification of change in standing.

~~(a)-(h)(1)~~ House Counsel shall execute and file with the Licensing Office a written notice of any change in that person's membership status, good standing or authorization to practice law in any jurisdiction where licensed.

~~(b)-(h)(2)~~ House Counsel shall execute and file with the Office of Professional Conduct a written notice of the commencement of all formal disciplinary proceedings and of all final disciplinary actions taken in any other jurisdiction.

~~Rule 20-9. (i)~~ No Solicitation. House Counsel is not authorized by anything in this rule to hold out to the public or otherwise solicit, advertise, or represent that he or she is available to assist in representing the public in legal matters in Utah.

1157 ~~Rule 20-10.~~ (j) Cessation of activity as house counsel. A House Counsel license
1158 terminates and the House Counsel shall immediately cease performing all services
1159 under this rule and shall cease holding himself or herself out as House Counsel upon:

1160 ~~(a)-(j)(1)~~ Termination of employment with the qualified employer as provided in ~~Rule~~
1161 ~~20-2(f)~~ subsection (b)(6);

1162 ~~(b)-(j)(2)~~ Termination of residence, or the maintenance of his or her office in the
1163 State of Utah as provided in ~~Rule 20-2(e)~~ subsection (b)(5);

1164 ~~(c)-(j)(3)~~ Failure to maintain active status in a sister state or United States territory or
1165 the District of Columbia, or to satisfy the Bar's annual licensing requirements, including
1166 compliance with mandatory continuing legal education requirements as provided for in
1167 this rule;

1168 ~~(d)-(j)(4)~~ Completion of any disciplinary proceeding in Utah or any other jurisdiction,
1169 which warrants suspension or termination of the House Counsel license; or

1170 ~~(e)-(j)(5)~~ An attorney who seeks admission to practice in this state as House Counsel
1171 and who previously had a Utah House Counsel license that was terminated due to a
1172 disciplinary proceeding pursuant to ~~Rule 20-10(d)~~ subsection (j)(4) or whose license
1173 was terminated for a period longer than six months pursuant to ~~Rule 20-10(a), (b)~~
1174 ~~and/or (c)~~ subsection (j)(1), (j)(2), or (j)(3) must file a new application under this rule.

1175 ~~Rule 20-11.~~ (k) Reinstatement after temporary lapse in license. An attorney whose
1176 House Counsel license is terminated pursuant to ~~Rule 20-10(a), (b) and/or (c)~~
1177 subsection (j)(1), (j)(2), or (j)(3) shall be reinstated to practice law as a House Counsel if
1178 within six months from the termination the attorney is able to demonstrate to the
1179 Admissions Office that he or she has:

1180 ~~(a)-(k)(1)~~ Employment with a qualified employer and has provided the required
1181 verification of employment pursuant to ~~Rule 20-2(g) of this rule~~ subsection (b)(7);

1182 ~~(b)-(k)(2)~~ Established a residence or maintains an office for the practice of law as
1183 House Counsel for the employer within the State of Utah; and/or

1184 ~~(c)-(k)(3)~~ Active status in a sister state or United States territory or the District of
1185 Columbia and has complied with the Bar's annual licensing requirements for House
1186 Counsel.

1187 ~~Rule 20-12. (l)~~ Notice of change of employment. House Counsel shall notify, in
1188 writing, the Licensing Office of the termination of the employment pursuant to which the
1189 House Counsel license was issued.

1190 ~~Rule 20-13. (m)~~ Full admission to the Utah State Bar. A House Counsel license will
1191 be terminated automatically once the attorney has been otherwise admitted to the
1192 practice of law in Utah as an active member of the Bar. Any person who has been
1193 issued a House Counsel license may qualify for full membership by establishing by
1194 clear and convincing evidence that he or she meets the following requirements:

1195 ~~(a)-(m)(1)~~ Filed a complete written request for a change of status with the
1196 Admissions Office in accordance with the filing deadlines set forth in Rule ~~7-2 14-~~
1197 ~~707(b)~~. The request for a change of status must include:

1198 ~~(a)(1)-(m)(1)(A)~~ A Reapplication for Admission form updating the information
1199 provided in the original application, including payment of the prescribed application fee.
1200 If the original application for admission is more than two ~~(2)~~ years old, a new Complete
1201 Application for admission must be filed;

1202 ~~(a)(2)-(m)(1)(B)~~ A criminal background check dated no more than 180 days prior to
1203 the filing of the change of status request;

1204 ~~(a)(3)-(m)(1)(C)~~ Satisfactory proof of both admission to the practice of law and that
1205 House Counsel is a member in good standing in all jurisdictions where admitted; and

1206 ~~(a)(4)-(m)(1)(D)~~ A certificate from the entity having authority over professional
1207 discipline for each jurisdiction where House Counsel is licensed to practice which
1208 certifies that House Counsel is not currently subject to lawyer discipline or the subject of
1209 a pending disciplinary matter.

1210 ~~(b)-(m)(2)~~ Be of good moral character and have satisfied the requirements of Rule ~~8~~
1211 ~~14-708~~;

1212 ~~(c)-(m)(3)~~ Successfully passed the Bar Examination as prescribed in Rule ~~10 14-~~
1213 ~~710~~;

1214 ~~(d)-(m)(4)~~ Successfully passed the MPRE as prescribed in Rule ~~13 14-713~~; and

1215 ~~(e)-(m)(5)~~ Complied with the provisions of Rule ~~16 14-716~~ concerning licensing and
1216 enrollment fees.

